

FROM No. 4  
(S.S. RULE 42 )

GENERAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No. /

Mise Petition No. /

✓ Contempt Petition No. 18/2002 / m 0928/2002.

Review Application No. /

Applicant(s). Sambhu Ram Majumdar.

-Vs-

Respondent(s) Union of India & ors.

Advocate for the Applicant(s) Mr. A Ahmed.

Advocate for the Respondent(s) CASE.

Notes of the Registry	Date	Order of the Tribunal
This Contempt Petition has been filed by the Counsel for the Applicant praying for punishment of the Contemnor/Respondent for non-compliance of Judgment & order dtd. 12-02-2002 passed by this Hon'ble Tribunal on 09. 28/2002.	10.5.02	Heard Mr. A.Ahmed, learned counsel for the Applicant. Issue notice to show cause as to why the Contempt Petition <sup>proceeding</sup> shall not be initiated. List on 10/6/2002 for orders.
Laid before the Hon'ble Court for further order.	10.6.02	<i>U.Usha</i> Member List on 28.6.2002 for orders.
<i>Dy. Regd.</i> 2/5/02 GENERAL & AD. BENCH GUWAHATI BENCH	mb	<i>U.Usha</i> Member List on 28.6.2002 for orders.
Slips & Envelopes issued 9/5/02 Notice prepared and sent to S/o for my son. <i>2075</i> D.M.O. 1674/1676 dt 6/6/02	2075	<i>U.Usha</i> Member List on 28.6.2002 for orders.

2

①

Q.P. No. 18/2002

① Service report are  
still awaited.

28.6.02

Heard Mr. A. Ahmed, learned  
counsel for the applicant and also  
Mr. A. Deb Roy, learned Sr. C.G.S.C.  
for the alleged contemners.

By  
28.6.02

Order dtd. 28/6/02  
Communicated to the  
Parties Counsel & their  
Adv.

AP

It has been stated at the Bar  
by Mr. A. Ahmed, learned counsel for  
the applicant that the order 12.2.2002  
in Q.A. 28/2002 has been complied  
with.

In the circumstances, the  
contempt proceeding stands dropped.

I C Usha

Member

Vice-Chairman

mb

9 MAY 2002  
Central Administrative Tribunal  
Gurabati Beach  
Sri Sambhu Ram Mazumder  
Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 18 OF 2002.

IN O. A. 28 OF 2002

IN THE MATTER OF:

A petition under Section 17 of the Central Administrative Tribunal Act, 1985 praying for punishment of the Contemner/Respondent for non-compliance of judgment and order passed by the Hon'ble Tribunal in O.A. No. 28 of 2002 on 12-02-2002.

-AND-

IN THE MATTER OF

Sri Sambhu Ram Mazumder.

-Applicant

-Versus-

The Union of India & Ors.

-Respondents.

-AND-

IN THE MATTER OF

Sambhu Ram Mazumder

Sri Sambhu Ram Mazumder,  
Postal Assistant,  
G.P.O. Guwahati,  
P.O. Guwahati,  
Pin- 781001.

-Applicant

-Petitioner.

-Versus-

1) Sri S.P. Singh,  
Chief Post Master General,  
Assam Circle, Guwahati,  
P.O.- Guwahati,  
Pin- 781001.

2) Sri Som Kamai,  
Senior Superintendent of Post  
Offices Guwahati Division,  
Post Office Guwahati,  
Pin 781001.

3) Sri Atul Chandra Das,  
Superintendent of Postal Store  
Depot, Post Office Bamuni-  
maidam, Guwahati-21.

-Respondents/

Contemners.

The Humble Petition of the  
above named Petitioner:

MOST RESPECTFULLY SHEWETH:

Sambhu Ram Mazumder

10 That your humble petitioner had filed the Original Application No. 28 of 2002 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for early completion of Departmental inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965 against the applicant's case vide No. SD/Vig-1/98-99 dated 25-10-2000 and also Office Memo No. SD/Rule-14/2000-01 dated 29-11-2000 initiated by the Respondents.

20 That the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati on 12-02-2002 heard the matter finally and the above said Original Application No. 28 of 2002 was disposed by the Hon'ble Tribunal. The Hon'ble Tribunal was pleased to direct the Respondents/Contemners to complete the inquiry proceeding within six weeks from 12-02-2002.

Annexure-A is the photocopy of the Judgment and Order dated 12-02-2002 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in O.A. No. 28 of 2002.

30 That the Respondents/Contemners got the said copy of the judgment from the petitioner and also from the Hon'ble Tribunal's Registry. But till today the Respondents/Contemners does not implemented the said judgment and no steps have been taken by the Respondents/Contemners

*Sambhu Das Moprad*

for early completion of Departmental Inquiry against the petitioner. It is also worth to mention here that the petitioner is going to be retired on superannuation in month of August 2002. It is necessary for the respondents to complete the entire departmental proceeding against the petitioner as early as possible otherwise petitioner pensionary benefits will be held up and he will face acute financial hardships. As such, your petitioner is compelled to file this Contempt Petition before this Tribunal for seeking justice.

4) That your petitioner begs to state that in spite of clear cut order passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati the Respondents/Contemners have not taken steps for early implementation of the above said order dated 12-02-2002 passed in O.A. No. 28 of 2002. It appears that the Respondents/Contemners has shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondents/Contemners deliberately with a motive behind has not complied the Hon'ble Tribunal's Judgment and Order dated 12-02-2002 passed in O.A. No. 28 of 2002. As such, the Respondents/ Contemners deserves punishment from this Hon'ble Tribunal. It is a fit case where the Respondents/ Contemners may be directed to appear before this Hon'ble Tribunal to explain as to why he has shown disrespect to this Hon'ble Tribunal.

Samjhun Das Majumder

51. That this petition is filed bona fide to secure the ends of justice.

In the premises, it is, most humbly prayed that your Lordships may be pleased to admit this petition and issue Contempt notice to the Respondents/Contemners to show cause as to why they should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other order or orders as this Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 12-02-2002 passed in O.A. No. 28 of 2002 the Respondents/Contemners may be asked to appear in person before this Hon'ble Tribunal to explain as to why he should not be punished under the contempt to court proceedings.

And for this act of kindness your petitioner as in duty bound shall ever pray.

Samuel Ram Majumdar

DRAFT CHARGE

The petitioner aggrieved for non-compliance of Judgment and order dated 12-02-2002 passed by this Hon'ble Tribunal in O.A. No. 28 of 2002. The Contemners/Respondents has willfully and deliberately violated the Judgment and Order dated 12-02-2002. Accordingly, the Respondents/Contemners are liable for contempt of court proceedings and severe punishment thereof as provided under the law. They may also be directed to appear in person and reply the charges leveled against them before this Hon'ble Tribunal.

Sam Bhu Ram Magsame

Affidavit

I, Sri Sri Sambhu Ram Mazumder, Postal Assistant G.P.O. Guwahati, P.O. Guwahati-1 aged about 59 years do hereby solemnly affirm and say as follows:

- 1) That I am one of the applicant in O.A. No. 28 of 2002 and also the petitioner of the instant petition and as such I am acquainted with the facts and circumstances of the case
- 2) That the contents of this affidavit and the statements made in paragraphs 1, 3, 4 — of the above petition are true to my knowledge and those made in paragraphs 2 — — are being matters of records derived there from I belief to be true and those made in the rests are my humble submissions before this Hon'ble Tribunal.

I sign this affidavit on this the 9th day of May 2002 at Guwahati.

Identified by me:

Advocate

(Adil Ahmed)

Sambhu Ram Mazumder

Deponent.

Solemnly affirmed before me by the Deponent who is identified by Mr. Adil Ahmed, Advocate.

Miss Hira Devi, Advocate.

In The Central Administrative Tribunal :: Guwahati Bench  
Guwahati.

ORDER SHEET

APPLICATION NO. 28/2002

Applicant(s) S.R. Mazumdar.

Respondent(s) Mai 202.

Advocate for Applicant(s) Mr. A.R.C.P. Ahmed.

Advocate for Respondent(s) CGSC.

Notes of the Registry

Date

Order of the Tribunal

12.2.02

Heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents.

By this application the applicant has assailed the continuance of the departmental proceeding initiated on 25.10.2000 pertaining to an event that took place in May, 1998. It has been stated by the respondents that the proceeding is almost complete and the department is waiting for the report of the Enquiry Officer, Mr. A. K. Choudhury, learned Addl. C.G.S.C. for the respondents stated that the enquiry was completed in the last month and the competent authority is eagerly expecting the enquiry report. The competent authority shall act with all promptitude on receipt of the report.



*Advocate*  
Advocate

Contd/-

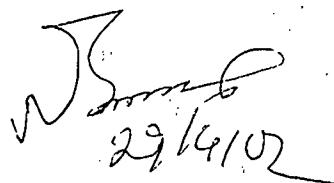
Date	Order of the Tribunal
2.2.02	<p>Considering all the aspects of the matter, we are of the opinion that the enquiry proceeding needs to be concluded at the earliest. Since the proceeding is almost complete, we direct the respondents to complete the exercise within six weeks from today. If the applicant is aggrieved by the decision of the authority he may approach the tribunal if so advised as per law.</p> <p>The application stands disposed of. No order as to costs.</p>

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

verified to be true Copy

भारतीय प्रशासनिक अधिकारी

  
29/4/02

Section Officer (A)

भारतीय अधिकारी (न्यायिक दस्ता)

Central Administrative Tribunal

भारतीय प्रशासनिक अधिकारी

Guwahati Bench, Guwahati

29/4/02

Abdul

Abdul